

1                                   A bill to be entitled  
 2           An act relating to installation of tracking devices or  
 3           tracking applications; amending s. 934.425, F.S.;  
 4           revising an exception to a prohibition on the  
 5           installation of tracking devices or applications to  
 6           specify that the exception applies only to private  
 7           investigators under certain circumstances; deleting a  
 8           provision concerning persons engaged in private  
 9           investigation; reenacting s. 493.6118, F.S., relating  
 10          to grounds for disciplinary action, to incorporate the  
 11          amendment made to s. 934.425, F.S., in a reference  
 12          thereto; providing an effective date

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 14   Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Paragraphs (d) of subsection (4) of section  
 17   934.425, Florida Statutes, are amended to read:

18           934.425 Installation of tracking devices or tracking  
 19   applications; exceptions; penalties.—

20           (4) This section does not apply to:

21           (d) A person acting in good faith on behalf of a business  
 22   entity for a legitimate business purpose. This paragraph does  
 23   not apply to a person engaged in private investigation, as  
 24   defined in s. 493.6101, on behalf of another person, except  
 25   that:

26           1. A person or business entity that is exempt under

27 paragraphs (b), (c), or (e) may hire a private investigator to  
 28 install a tracking device or tracking application consistent  
 29 with the applicable exemption.

30 2. A private investigator may install a tracking device or  
 31 tracking application pursuant to a lawful court order ~~unless~~  
 32 ~~such activities would otherwise be exempt under this subsection~~  
 33 ~~if performed by the person engaging the private investigator.~~

34 Section 2. For the purpose of incorporating the amendment  
 35 made by this act to section 934.425, Florida Statutes, in a  
 36 reference thereto, paragraph (y) of subsection (1) of section  
 37 493.6118, Florida Statutes, is reenacted to read:

38 493.6118 Grounds for disciplinary action.—

39 (1) The following constitute grounds for which  
 40 disciplinary action specified in subsection (2) may be taken by  
 41 the department against any licensee, agency, or applicant  
 42 regulated by this chapter, or any unlicensed person engaged in  
 43 activities regulated under this chapter.

44 (y) Installation of a tracking device or tracking  
 45 application in violation of s. 934.425.

46 Section 3. This act shall take effect October 1, 2016.